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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. THEO BRUCE MYERS, Defendant.	CR 18-24-BLG-SPW OFFER OF PROOF
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The defendant, Theo Bruce Myers, is charged by superseding information with possession with intent to distribution of methamphetamine, in violation of 21 U.S.C. § 841(a)(1).

PLEA AGREEMENT

Myers will plead guilty to the superseding information. The United States presented all formal plea offers to Myers in writing. The plea agreement entered into by the parties and filed with the Court represents, in the government's view, the most favorable offer extended to Myers. *See Missouri v. Frye*, 566 U.S. 134, 145-46 (2012).

ELEMENTS OF CHARGE

In order for Myers to be found guilty of possession with intent to distribute methamphetamine, as charged in the superseding information, the United States must prove each of the following elements beyond a reasonable doubt:

First, the defendant knowingly possessed methamphetamine; and

Second, the defendant possessed it with the intent to distribute it to another person.

Although not an element, the United States would also have to prove beyond a reasonable doubt that the defendant possessed with the intent to distribute 500 or more grams of a substance containing a detectable amount of methamphetamine.

PENALTY

The offense carries a penalty of a mandatory minimum ten years to life imprisonment, a \$10,000,000 fine, at least five years of supervised release, and a \$100 special assessment.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

In the summer of 2015, the Billings drug task force began an investigation of Hispanic males from San Jose trafficking multiple pound quantities of methamphetamine into the Billings area. Myers has been identified by multiple cooperating co-conspirators and sources of information as a local dealer that received methamphetamine from the Hispanic males for re-distribution. One of the cooperating co-conspirators is Myers' daughter, who was sentenced in 2017. In addition, investigators have conducted numerous searches of mobile phones seized during search warrants. Myers' phone numbers have been identified on the co-conspirators' phones and those phones also contain drug-related text messages with Myers. During the time Myers was a member of the conspiracy, he was responsible for distributing or aiding in the distribution of an amount of 1.5 to 4.5 kilograms of pure methamphetamine, a base offense level of 36.

On December 8, 2016, the Marshal's Violent Offender Task Force arrested Myers for outstanding state warrants. In his shirt pocket, Myers had over four grams of methamphetamine in a baggie, and a scale.

DATED this 9th day of May, 2018.

KURT G. ALME
United States Attorney

/s/ Lori Harper Suek
LORI HARPER SUEK
Assistant U.S. Attorney